



FLORENCE CITY COUNCIL

MINUTES – REGULAR MEETING TUESDAY, SEPTEMBER 26, 2006

The City Council of the City of Florence, Kentucky met in Regular Session on Tuesday, September 26, 2006 at 7:00 p.m. in the Florence Government Center with Mayor Diane E. Whalen presiding in the Chair.

CALL TO ORDER, WELCOME, & ROLL CALL:

Mayor Whalen called the regular meeting to order and declared the Regular Session to be open for the presentation of all City business.

The roll was called and the following members of Council registered present: Mel Carroll, Dale Stephens, David A. Osborne, and Betsy Conrad. Absent were Vice Mayor Dr. Julie Metzger Aubuchon and Ted Bushelman.

Also present were Mayor Diane E. Whalen, City Coordinator Patricia J. Wingo, City Attorney Larry B. Dillon, Assistant City Coordinator/Community Development Director Rick Lunnemann, Fire/EMS Chief Marc Muench, Information Technology Director Colin Campbell, Police Captain John McDermond, Public Services Director Bob Townsend, City Engineer Bill Viox, Administrative Assistant Donna Smith, Collins Elementary School Teacher Sheree Breitholle, Pete Heiss and Dick Weber of Toys For Tots, Firefighter Paramedic Recruit Adam Begley, Police Officer Eric Surber, Fire Commander Kelly Aylor and Shift, Fire Captain Scott Knoll, Fire Captain Dave Vonderschmidt, Jim Berling, Gerald Dusing, Debbie Conrad, Gene Cunningham of 146 W. Dilcrest Drive, J. Kelly Huff of 1160 Tamarack, City Attorney Dale Wilson, Videographer Jerry Schrepfer, Florence Recorder Newspaper Reporter Lindsay Kottmann, and City Clerk Joe Christofield.

MINUTES:

Mayor Whalen called for a motion to approve the minutes of September 12, 2006 Regular Meeting of Council. Councilmember Conrad so moved, with second from Councilmember Osborne. **Council approved by unanimous vote.**

RECOGNITION/PROCLAMATION:

Mayor Whalen recognized Collins Elementary School Teacher Sheree Breitholle (for receiving the American Star of teaching Award) before reading a proclamation declaring Tuesday, September 26, 2006 as Sheree Breitholle Day in the City of Florence.

RECOGNITION:

Mayor Whalen recognized Pete Heiss and Dick Weber regarding the Marines Toys for Tots Cruise 'N' Ride program, scheduled for Saturday, September 30 beginning at 11 a.m. (registration at 9 a.m.) at Champion Window Field (home of the Florence Freedom). Additional discussion followed.

SWEARING-IN:

Mayor Whalen recognized Fire Chief Marc Muench and Police Captain John McDermond who introduced Firefighter/Paramedic Recruit Adam Begley and Police Officer Eric Surber, respectively.

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Mayor Whalen gave the oath of office to Firefighter/Paramedic Recruit Begley and Police Officer Surber.

SECOND READING:

Mayor Whalen presented the following Ordinance for second reading:

ORDINANCE NO. O-24-06: AN ORDINANCE RELATING TO THE LEVYING OF A TAX UPON REAL ESTATE AND PERSONAL PROPERTY IN THE CITY OF FLORENCE, KENTUCKY; LEVYING A TAX ON ALL FRANCHISES TAXABLE WITHIN THE CITY OF FLORENCE, KENTUCKY; SPECIFYING PAYMENT DATES, DISCOUNTS AND PENALTIES FOR THE FRANCHISE TAX ON FINANCIAL INSTITUTIONS MEASURED BY THE DEPOSITS IN THE INSTITUTIONS LOCATED WITHIN THE CITY; AND LEVYING A SPECIAL TAX FOR THE PAYMENT OF CURRENT SERVICE COSTS FOR POLICE AND FIREMEN IN THE COUNTY EMPLOYEES RETIREMENT SYSTEM. (2006)

Mayor Whalen read the following summary of the Ordinance: *This is the Ordinance by which the City establishes tax rates and levies annual taxes. The basic tax levied for General Fund purposes is a tax of eighteen cents (\$.180) per one hundred dollars of value on real property and a tax of forty and nine-tenths cents (\$.409) per one hundred dollars of value on personal property (except for motor vehicles and watercraft) and upon all franchises taxable by the City. In addition this Ordinance levies a tax in the amount of six and six-tenths cents (\$.066) per one hundred dollars of value upon all real and personal property (except for motor vehicles and watercraft) and upon all franchises taxable by the City for the purpose of payment of the City's obligations for current service costs for police and firemen in the County employees' retirement system. All of the above mentioned taxes are due and payable upon final passage and publication of this Ordinance. A discount of two percent (2%) is allowed for any such taxes paid in full before November 1, 2006. Any such taxes remaining unpaid after January 1, 2007, are subject to a penalty of twelve percent (12%) plus interest on the amount unpaid at the rate of twelve percent (12%) per annum from January 1, 2007, until paid. This Ordinance also establishes the due date for the tax in the amount of twenty-five thousandths of one percent (0.025%) on all financial institutions measured by deposits in such institutions located in the City. This tax was levied by Ordinance No. O-18-96, pursuant to the Bank Franchise and Local Deposit Tax Act. (KRS 136.575) A two percent (2%) discount is allowed against this tax on bank deposits if paid before December 31, 2006. Any such taxes paid after January 31, 2007, will be subject to a penalty of twelve percent (12%) plus interest in the unpaid amount at the rate of twelve percent (12%) per annum from January 31, 2007, until paid. The Ordinance establishes corresponding due dates, discounts and penalties for subsequent years.*

Councilmember Conrad moved, with second from Councilmember Stephens, that Ordinance No. O-24-06 be approved on second reading and be published in accordance with the law. **Council approved by unanimous vote.**

FIRST READING:

Mayor Whalen presented the following Ordinance for first reading:

ORDINANCE NO. O-25-06: AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN OFFICE TWO/COMMERCIAL TWO/PLANNED DEVELOPMENT (O-2/C-2/PD) ZONE FOR A 4.8977 ACRE SITE LOCATED BETWEEN THE SOUTH/EAST SIDE OF MEIJER DRIVE AND I-75, AND ACROSS FROM THE SPIRAL DRIVE/MEIJER DRIVE INTERSECTION, FLORENCE, KENTUCKY, TO ALLOW A FITNESS CENTER; AND ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN OFFICE TWO/COMMERCIAL TWO/PLANNED DEVELOPMENT (O-2/C-2/PD) ZONE FOR A 5.8624 ACRE SITE GENERALLY LOCATED BETWEEN THE SOUTH/EAST SIDE OF MEIJER DRIVE AND I-75, AND SOUTH OF THE PROPERTY AT 350 MEIJER DRIVE, FLORENCE, KENTUCKY, TO ALLOW AN OFFICE BUILDING AND A MULTI-TENANT RETAIL BUILDING. (JAMES W. BERLING-NORTHERN KENTUCKY MANAGEMENT, INC. PROPERTY)

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Mayor Whalen read the following summary of the Ordinance: *The effects of this Ordinance are to allow a fitness center in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for an approximate 4.8977 acre site located between the south/east side of Meijer Drive and I-75, and across from the Spiral Drive/Meijer Drive intersection, Florence, Kentucky; AND to allow an office building and a multi-tenant retail building in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone for an approximate 5.8624 acre site located between the south/east side of Meijer Drive and I-75, and south of the property at 350 Meijer Drive, Florence, Kentucky.*

Councilmember Carroll moved, with second from Councilmember Osborne, that Ordinance No. O-25-06 be approved on first reading and be held for second and final reading at the next meeting of Council. **Council approved by unanimous vote.**

MUNICIPAL ORDER:

Mayor Whalen presented the following Municipal Order for consideration:

MUNICIPAL ORDER NO. MO-10-06: A MUNICIPAL ORDER APPROVING THE APPOINTMENT OF DEBBIE CONRAD TO THE CITY OF FLORENCE, KENTUCKY URBAN FOREST COMMISSION FOR A THREE (3) YEAR TERM.

Councilmember Conrad moved, with second from Councilmember Osborne, that Municipal Order MO-10-06 be approved as reviewed. **Council approved by unanimous vote.**

MAYOR'S REPORT:

Mayor Whalen advised of the Marines Toys for Tots Cruise 'N' Ride program, scheduled for Saturday, September 30 beginning at 11 a.m. (registration at 9 a.m.) at Champion Window Field (home of the Florence Freedom).

Mayor Whalen advised of Erpenbeck Elementary School's Mustang Stampede 5k Race/Walk scheduled for Saturday, September 30 at 8 a.m. at Erpenbeck Elementary School.

Mayor Whalen advised of the Kentucky Cup Day of Champions scheduled for Saturday, September 30 at Turfway Park.

Mayor Whalen advised of the 'Change a Light, Change the World' program, scheduled for Wednesday, October 4 from 9 a.m. until 4 p.m. in Community Room C of the Florence Government Center.

Mayor Whalen advised of the Dinsmore Homestead Calendar of Events, including the annual Gala Fundraiser scheduled for Friday, September 29 and the Fall Concert, scheduled for Sunday, October 1 from 4-6 p.m.

CITY COORDINATOR'S REPORT:

There was no report given by City Coordinator Pat Wingo.

OTHER:

Mayor Whalen asked if any Councilmember desired recognition; no one responded.

Mayor Whalen asked if any department head desired recognition; no one responded.

Mayor Whalen asked if anyone in the audience desired recognition; no one responded.

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EXECUTIVE SESSION:

Mayor Whalen called for a motion to go into **Executive Session** pursuant to K.R.S. 61.810 (1)(c) Litigation-Proposed or pending against or on behalf of the City. Councilmember Conrad so moved, with second from Councilmember Stephens and **unanimous approval of Council**, the time being 7:30 p.m.

Mayor Whalen called for a motion to come back into session after the **Executive Session** pursuant to K.R.S. 61.810 (1)(c) Litigation-Proposed or pending against or on behalf of the City. Councilmember Conrad so moved, with second from Councilmember Osborne and **unanimous approval of Council**, the time being 7:57 p.m.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Whalen called for a motion to adjourn. Councilmember Stephens so moved, with second from Councilmember Osborne, and **unanimous approval of Council**, the time being 7:58 p.m.

APPROVED:

Diane E. Whalen, Mayor

ATTEST:

Joseph A. Christofield, City Clerk